

PM/SC/183

COUNCIL OF MINISTERS

(80th Meeting)

25th June 2014PART A

All members were present, with the exception of Senator P.F.C. Ozouf, Minister for Treasury and Resources, Senator Sir P.M. Bailhache, Minister for External Relations and Deputy A.K.F. Green, M.B.E, Minister for Housing, from whom apologies for absence were received.

Senator I.J. Gorst, Chief Minister
 Senator A.J.H. Maclean, Minister for Economic Development
 Senator B.I. Le Marquand, Minister for Home Affairs
 Senator F. du H. Le Gresley, M.B.E., Minister for Social Security
 Deputy R.C. Duhamel, Minister for Planning and Environment
 Deputy A.E. Pryke, Minister for Health and Social Services
 Deputy K.C. Lewis, Minister for Transport and Technical Services
 Deputy P.J.D. Ryan, Minister for Education, Sport and Culture
 Deputy E.J. Noel, Assistant Minister for Treasury and Resources

In attendance -

Connétable J. Le S. Gallichan of Trinity, Chairman, Comité des Connétables (for item A3 only)
 J.D. Richardson, Chief Executive, States of Jersey
 M.N. de la Haye, O.B.E., Greffier of the States
 T.J. Le Cocq, Q.C., H.M. Attorney General
 L. Rowley, Treasurer of the States (for item A2)
 C. Anderson, Public Sector Reform Programme Director (for item B1)
 R. Stevens, Director HR (for items B2 and B3)
 S. Duffy, Senior HR Manager (for items B2 and B3)
 A. Scate, Chief Executive Officer, Department of the Environment (for item B4)
 R. Glover, Planning Performance Manager, Department of the Environment (for item B4)
 V. Page, Assistant to the Chief Minister
 C. Keir, Communications Manager
 P. Monamy, Clerk to the Council of Ministers

Note: The Minutes of this meeting comprise Part A and Part B.

Minutes.

A1. The Minutes of the meeting held on 7th May (Part A and Part B), 19th May (Part B only) and 11th June 2014 (Part A), having been previously circulated, were taken as read and were confirmed.

States
 Business.
 1240/7/1(1)

A2. The Council, together with the Treasurer of the States (who was present for some of the under-mentioned items), noted the list of public business scheduled for consideration by the States Assembly on 30th June 2014 and subsequent meetings, and commented specifically on the following –

30th June 2014:

Plémont Holiday Village: grant to National Trust for Jersey (P.107/2014)

The Council noted the comment to be presented to the States by the Minister for Treasury and Resources which set out a proposal to facilitate the grant by transferring available funds from the Criminal Offences Confiscation Fund (COCF) to offset appropriate existing, approved expenditure allocations, namely the Police Relocation capital head of expenditure. Deputy Duhamel indicated that he was unhappy that funding should be found for this project at such short notice, given that it appeared that the normal prioritisation considerations had not been applied. Deputy A.E. Pryke indicated that she did not support the proposition. The Minister for Planning and Environment undertook to present a comment to the States in due course. The Treasurer of the States confirmed that a Report was due to be published on Monday, 30th June 2014 which set out details of expenditure in 2013 from the COCF, as well as the 'rules' applied to the consideration of COCF funding requests. The Council confirmed that a majority of Ministers present supported the proposition.

Committee of Inquiry: sale of Board Street post office building (P.61/2014)

The Council noted the comment to be presented to the States by the Minister for Treasury and Resources which *inter alia* emphasised that confirmation had been provided from Jersey Post board members that Senator Breckon's implied allegations were completely groundless and therefore untrue and unfair. He Council agreed that whatever documentation was available should be provided to members of the States to inform their consideration of the proposition.

Draft Community Provisions (Food Supplements) (Jersey) Regulations 201- (P.74/2014)

The Council supported the draft Regulations.

Draft Community Provisions (Nutrition and Health Claims on Food) (Jersey) Regulations 201- (P.75/2014)

The Council supported the draft Regulations.

Draft Shops (Regulation of Opening) (Amendment) (Jersey) Regulations 201- (P.76/2014) and Amendments

The Council decided not to comment on the draft Regulations.

Draft Connétables (Miscellaneous Provisions) (Jersey) Law 2012 (Appointed Day) Act 201- (P.77/2014)

The Council supported the draft Appointed Day Act.

Draft Connétables (Miscellaneous Provisions – Consequential Amendments) (Jersey) Regulations 201- (P.78/2014)

The Council supported the draft Regulations.

Draft Honorary Police (Amendment No. 2) (Jersey) Regulations 201- (P.79/2014)

The Council supported the draft Regulations.

Draft Freedom of Information (Schedule 1 to Law) (Amendment) (Jersey) Regulations 201- (P.81/2014)

The Council supported the draft Regulations.

Draft Social Security (Bonus) (Jersey) Law 201- (P.82/2014)

The Council supported the draft Law.

Draft Sea Fisheries (Miscellaneous Provisions) (Amendment No. 6) (Jersey) Regulations 201- (P.83/2014)

The Council supported the draft Regulations.

Draft Sea Fisheries (Log Books, Transhipment and Landing Declarations) (Jersey) Regulations 201- (P.84/2014)

The Council supported the draft Regulations.

Draft Sea Fisheries (Vessel Monitoring Systems) (Jersey) Regulations 201- (P.85/2014)

The Council supported the draft Regulations.

Draft States of Jersey Police Force Law 2012 (Appointed Day) (No. 2) Act 201- (P.86/2014)

The Council supported the draft Appointed Day Act.

Draft States of Jersey Police Force (Amendment) Law 201- (P.87/2014)

The Council supported the draft Law.

Draft States of Jersey Police Force (Consequential Amendments) (Jersey) Regulations 201- (P.88/2014)

The Council supported the draft Regulations.

Draft Sex Offenders (Amendment No. 2) (Jersey) Law 201- (P.89/2014)

The Council supported the draft Law.

Draft Income Support (Special Payments) (Child Personal Care) (Jersey) Regulations 201- (P.90/2014) and Amendment

The Council supported the draft Regulations and opposed Deputy J.A. Martin's amendment which, it was noted, would potentially be very expensive to implement.

Draft Income Support (Amendment No. 12) (Jersey) Regulations 201- (P.91/2014) and Amendment

The Council supported the draft Regulations and opposed Deputy J.A. Martin's amendment.

Draft Income Support (Special Payments) (Cold Weather Payments) (Amendment No. 2) (Jersey) Regulations 201- (P.92/2014)

The Council supported the draft Regulations.

Draft Criminal Justice (Young Offenders) (Jersey) Law 201- (P.93/2014)

The Council supported the draft Law.

Draft Planning and Building (Amendment No. 6) (Jersey) Law 201- (P.94/2014) and Amendments

The Council supported the draft Law. *[See also Minute B4 of this meeting].*

Draft Regulation of Care (Jersey) Law 201- (P.95/2014)

The Council supported the draft Law.

Draft Explosives (Jersey) Law 201- (P.96/2014) and Amendment

The Council supported the draft Law and the Amendment.

Draft Employment of States of Jersey Employees (Amendment No. 7) (Jersey) Regulations 201- (P.97/2014)

The Council supported the draft Regulations. *[See also Minute B3 of this*

meeting].

Draft Comptroller and Auditor General (Jersey) Law 201- (P.98/2014)

The Council supported the draft Law.

Comptroller and Auditor General: appointment (P.99/2014)

The Council supported the proposition.

States owned or controlled companies: rights and responsibilities (P.100/2014)
and Amendment

The Council noted the comments to be presented by the Minister for Treasury and Resources.

Income Support: free GP access (P.101/2014) and Amendment

The Council opposed the proposition, but supported the Amendment of Deputy R.G. Le Hérissier of St. Saviour in respect of which the work envisaged was already scheduled to be undertaken by the Social Security Department.

Civil marriages: same sex couples (P.102/2014)

The Council supported the proposition.

Draft Aircraft Registration (Jersey) Law 201- (P.62/2014)

The Council reiterated its support for the draft Law.

Draft Air Navigation (Jersey) Law 201- (P.63/2014) and Amendment

The Council reiterated its support for the draft Law and the Amendment.

Draft Civil Aviation (Amendment of Law) (No. 2) (Jersey) Regulations 201-
(P.51/2014)

The Council reiterated its support for the draft Regulations.

**Draft Public Finances (Transitional Provisions – States Trading Operations)
(Amendment) (Jersey) Regulations 201-** (P.50/2014)

The Council reiterated its support of the draft Regulations.

**Draft States of Jersey (Transfer of Functions No. 7) (Economic Development
to External Relations) (Jersey) Regulations 201-** (P.54/2014)

The Council reiterated its support of the draft Regulations.

Comité des
Connétables:
discussion.
1444/1(63)

A3. The Council, with reference to its Minute No. A2 of 13th November 2013, welcomed the under-mentioned Connétables to the meeting in order to discuss matters of mutual interest –

Connétable J.Le S. Gallichan of Trinity
Connétable D.M. Mezbourian of St. Lawrence
Connétable J. Gallichan of St. Mary
Connétable M.P.S. Le Troquer of St. Martin.

Apologies for absence were received from Connétables J.E. Le Maistre of Grouville, S.W. Pallett of St. Brelade, L. Norman of St. Clement, A.S. Crowcroft of St. Helier, P.J. Rondel of St. John, M.J. Paddock of St. Ouen, J.M. Refault of St. Peter and S. Rennard of St. Saviour.

Mrs. S.R. de Gruchy, Secretary to the Comité des Connétables was also present.

The meeting considered the topics listed below.

1. Draft Referendum (Composition of the States Assembly) (Jersey) Act 201-

The Connétables indicated that they were not supportive of the draft Act but had decided not to seek to amend it. However, the Comité des Connétables intended to present a Report to the States Assembly detailing its concerns. Senator Le Marquand outlined the attempt by the Privileges and Procedures Committee to seek to fulfil the mandate given to it by the States Assembly (P.116/2013 refers) and to seek to implement the recommendations of the Clothier Panel in respect of Parish-based constituencies. It was suggested that, although it was understood that ‘change’ of some kind was required to the present composition of the States, it was apparent that the ‘why, what and how’ this could be accomplished would not be achieved by means of a single-question referendum.

2. Payment of rates by the States of Jersey

The meeting noted that the Comité had, on 9th June 2014, received a presentation from a delegation from the States Treasury and Jersey Property Holdings on a draft report which outlined options to recover the cost of the rates to be paid by the States in the event that they were no longer to be exempt under Articles 17 and 18 of the Rates (Jersey) Law 2005, by means of increasing the Annual Island-wide Rate Figure (AIRF). The presentation had indicated the implications for ratepayers were the increase in AIRF to be recovered - (a) solely from domestic ratepayers; (b) solely from non-domestic ratepayers; or (c) shared between domestic and non-domestic ratepayers. It was recognised that the Connétables had on that occasion pointed out to the delegation that rates were a ‘property tax’ but were not based on ability to pay; and had indicated their desire to see alternative funding methods reviewed in the report. It was noted that the Connétable of St. Helier had confirmed that his previous propositions had sought the agreement of the States to fund the cost of rates without recovery from ratepayers. The Assistant Minister for Treasury and Resources reported that it had just been recognised that the financial model upon which the calculation of the value of rates on States properties had been based contained an error and that, rather than £2.2 million, this had now been revised to between £600,000 and £700,000.

3. Deceased persons and responsibility for arranging burial/affairs

With reference to the previous Minute under reference, the meeting noted that the Minister for Social Security had confirmed that special payments (under Income Support) were available in respect of the cost of a funeral in circumstances where no family member could be identified as responsible for the expenditure and that it was the financial means of the deceased person that were assessed rather than those of the person arranging the funeral. The maximum amount paid towards funeral costs through special payments amounted to £1,800 (as at January 2014), providing a total of £2,565 including the Death Grant. The Connétables emphasised that whilst this resolved the practical issue of the burial of the deceased person, it was only part of the process as there remained the question of winding-up the deceased’s estate. The meeting noted that the Connétable of St. Peter had, on 23rd June 2014, written to the Chief Minister proposing that the States should establish an administrative process to deal with the winding-up of such an estate. The Minister for Home Affairs confirmed that Article 14 of the Probate (Jersey) Law 1998 provided that “where a person dies – (a) wholly intestate as to the person’s movable estate; or (b) leaving a will without having named an executor who is willing and competent to take probate”, an “administrator dative” could be appointed by the Judicial Greffe. However, it was recognised that, in cases where the deceased person had no assets, there was

sometimes difficulty if no-one came forward to apply for the role of “administrator dative”, although the Royal Court was able to appoint someone ‘*pro tem.*’ The Chief Minister undertook that the Council would give consideration to this matter in due course.

4. Rates debtors

Also with reference to the previous Minute under reference, the meeting noted that the Minister for Social Security had undertaken that officers of his department would be asked to investigate the implications of changing the rule whereby the provisions of Article 29(2) of the Social Security (Jersey) Law 1974 applied to both Social Security benefits and to Income Support benefits so that a court could not order a debt to be paid by putting a distraint upon benefit payments received; and also to consider whether such a rule change could be of assistance to Parishes in the collection of rates debts. The Minister for Social Security emphasised the inappropriateness of distraining such benefits, given that these were set at minimum subsistence levels, which action could have the effect of putting the recipient into poverty. The Connétables confirmed that they already promoted the use of bank direct debits, although there was a low level of take-up of this method of making rates payments.

5. Historic Parish church buildings

The Connétable of St. Mary outlined the difficulties which could arise for Parishes in seeking to carry out refurbishment or other works on historic church buildings in the Parishes. Whilst it had been understood that Parish churches did not require planning permission to undertake such work, and that, instead, they were required to obtain a faculty from the Ecclesiastical Court or a licence from the Dean, the Minister for Planning and Environment indicated that this was not the case and, whilst this was the situation in the United Kingdom, such exemption from planning permission did not apply under Jersey law. However, it was noted that the Minister was presently in discussion with the Dean of Jersey regarding this matter, and that meanwhile the Ecclesiastical Court continued to discuss such matters with the Historic Environment Team at the Planning Department. For the avoidance of doubt, it was emphasised that in respect of all church building refurbishment work, the respective Churches were required to comply with the Planning and Building (Jersey) Law 2002.

6. “Kerbside Recycling: feasibility study” (P.121/2014) –lodged ‘au Greffe’ on 18th June 2014 by Deputy M. Tadier

The Minister for Transport and Technical Services undertook to liaise with the Comité regarding the possibility of presenting to the States Assembly separate comments on the proposition.

7. Large number of items of Public Business on States Order Paper for 30th June 2014

Having considered the difficulties associated with in excess of 40 items of Public Business on the forthcoming States Order Paper, it was accepted that it was for Ministers to determine whether they wished to provide the States with an opportunity to consider important government policies, as previously directed by the States, and for those private members concerned to determine whether they wished to pursue their respective propositions during such a busy period or to defer them until later in the year.

8. Rogue traders operating from public car parks

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The Minister for Transport and Technical Services apprised the meeting of his forthcoming proposal to make an Order prohibiting the commercial sale of motor vehicles from public car parks.

The delegation withdrew from the meeting, having been thanked by the Council for its attendance.